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EXAMINER	
WILSON, ROBERT W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,850	SEBIRE, GUILLAUME	
	Examiner	Art Unit	
	ROBERT W. WILSON	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2008*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12,13,16-23,25,27 and 29-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *16-18,34 and 36* is/are allowed.

6)☒ Claim(s) *1-2, 5-6, 10, 12-13, 19-23, 25, 27, 29, & 35* is/are rejected.

7)☒ Claim(s) *3,4,7-9 and 30-33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganucheau (U.S. Patent No.: 6,529,740) in view of Homma (U.S. Patent No.: 5,572,678)

Referring to claim 1, Ganucheau teaches: A method (Subscriber (24 per Fig 1) performs the method) comprising at a mobile station (subscriber (24 per Fig 1) and per col. 4 line 66 to col. 5 line 24)

determining a link quality of the point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel , while multicasting on point-to-multipoint channel (a subscriber (24 per Fig 1) determines if the signal quality on a point-to-multipoint channel is acceptable and whether switch would be advantageous per col. 12 lines 28 to 47)

Ganucheau does not expressly call for: sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a give link quality

Homma teaches: sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a give link quality (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a give link quality of Homma to the mobile station or subscriber of Terry in order to build a system which can recover when message is corrupted or lost.

Referring to claim 2, the combination of Ganucheau and Homma teach: the method of claim 1.

Ganucheau does not expressly call for: further comprising said network establishing a point-to-point channel in case said determined link quality lies below a link quality

Homma teaches: further comprising said network establishing a point-to-point channel in case said determined link quality lies below a link quality (retransmit via point to point in response to receiving a request per col. 5 line 34 to col. 6 line

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the network establishing a point-to-point channel in case said determined link quality lies below a link quality of Homma to the mobile of the combination of Ganucheau and Homma in order to build a system which can recover when a message is corrupted or lost

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganucheau

(U.S. Patent Pub No.: 6,529,740) in view of Homma (U.S. Patent No.: 5,572,678) further in view

of Segura (U.S. Patent No.: 6,360,076)

Referring to claim 5, the combination of Ganucheau and Homma teach: the method of claim 1.

The combination of Ganucheau and Homma do not expressly call for: further comprising said network providing an indication of said given link quality to said mobile

Segura teaches: further comprising said network providing an indication of said given link quality to said mobile (Network provides TQ subscribe MAX per col. 5 line 25 to col. 6 line 12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the further comprising said network providing an indication of said given link quality to said mobile of Seguara to the mobile of the combination of Ganucheau and Homma in order to build a system which can determine the when reception of the broadcast is no longer within acceptable quality range.

Referring to claim 6, the combination of Ganucheau, Homma, and Segura teach: the method of claim 5

The combination of Ganucheau and Homma do not expressly call for: wherein said network provides an indication of said given link quality to said mobile station for each multicast service for which multicast data is to be transmitted to said mobile station

Segura teaches: wherein said network provides an indication of said given link quality to said mobile station for each multicast service for which multicast data is to be transmitted to said mobile station (Network provides TQ subscribe MAX per col. 5 line 25 to col. 6 line 12)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wherein said network provides an indication of said given link quality to said mobile station for each multicast service for which multicast data is to be transmitted to said mobile station of Segura to the mobile of the combination of Ganucheau and Homma in order to build a system

which can determine the when reception of the broadcast is no longer within acceptable quality range.

4. Claims 10, 12, 23, & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Terry (U.S. Patent Pub No.: 2003/0220119) in view of Homma (U.S. Patent No.: 5,572,678)

Referring to claim 10, Terry teaches: an apparatus (Fig 3 & 4) comprising:

A measuring portion (40 per Fig 3. The FACH is used for point to multi-point per Pg 1 Para [0003] to {0004]) for performing link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network

A Processing portion (30 per Fig 3) for determining a link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Transmitting portion (34 per Fig 3) from said mobile

in case said processing portion detect that a determined link quality of a point-to-point channel, in case said processing portion detects that a determined link quality of a point-to-point multipoint channel employed for transmitting said multicast data lies below a given quality link channel employed for transmitting said multicast data lies below a given link quality (Pg 2 Para[0021] to [0030])

Terry does not expressly call for: request to a mobile communication network to switch and transmit multicast data via a point-to-point channel

Homma teaches: request to a mobile communication network to switch and transmit multicast data via point-to-point channel (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add request to a mobile communication network to switch and transmit multicast data via point-to-point of Homma to the system of Terry in order to build a system which can recover when message is corrupted or lost.

In addition Terry teaches:

Regarding claim 12, sub-network of mobile communication network (Fig 3 and Fig 4 are a sub-network)

Regarding claim 23, wherein said apparatus is a mobile station or part of a mobile station (Part of a mobile station per Figs 3)

Referring to claim 27, Terry teaches: an apparatus (Fig 3 & 4) comprising:

Means for performing (40 per Fig or means for performing measurements on the FACH. The FACH is used for point to multipoint per Pg 1 Para [0003] to {0004]) link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network

Means for determining (30 per Fig 3 or means for determining) link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Means for transmitting (34 per Fig 3) from said mobile

in case said processing portion detect that a determined link quality of a point-to-point channel, in case said processing portion detects that a determined link quality of a point-to-point multipoint channel employed for transmitting said multicast data lies below a given quality link channel employed for transmitting said multicast data lies below a given link quality (Pg 2 Para[0021] to [0030])

Terry does not expressly call for: request to a mobile communication network to switch and transmit multicast data via a point-to-point channel

Homma teaches: request to a mobile communication network to switch and transmit multicast data via point-to-point channel (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add request to a mobile communication network to switch and transmit multicast data via point-to-point of Homma to the system of Terry in order to build a system which can recover when message is corrupted or lost.

5. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terry (U.S. Patent Pub No.: 2003/0220119) in view of Terry (U.S. Patent No.: 6,810,236)

Referring to claim 35, Terry teaches: an apparatus for a mobile communication network comprising:

A communication component (32 per Fig 3) configured to receive from a mobile station measurement results for link quality related measurement on a network for transmitting multicast data to said mobile station

A processing component (30per Fig 3) configured to estimate a link quality of a point-to-multipoint channel while multicasting on a point-to point channel to said mobile station, wherein processing component is configured to estimate said link quality of said point-to-multipoint channel based on said measurement results for said point-to-point channel

A processing component (46 per Fig 4) configured to order said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said estimated link quality of said point-to-multipoint channel reaches a required link quality

to said mobile station, wherein said processing component is configured to estimate said link quality of said point-to-point

Terry does not expressly call for: requesting from the mobile measurement results on link quality

Terry (US 6,810,236) teaches: requesting from the mobile measurement results on link quality (col. 3 lines 1 to 21)

It would have been obvious to add the requesting from the mobile measurement results on link quality of Terry (U.S. 6,810, 236) to communication component configure to receive of Terry in order to determine the best usage of resources.

6. Claims 19-21, 25, & 29 are rejected under 35 U.S.C. 102(E) as being anticipated by Terry

(U.S. Patent Pub No.: 2003/0220119)

Referring to claim 19, Terry teaches: an apparatus (Fig 3 & 4) for a mobile communication network comprising:

Transmitting portion (34 per Fig 3) configured for transmitting multicast data using at least one of a point-to-point channel and a point-to-multipoint channel from said mobile

A Processing portion (30 per Fig 3) configured for estimating a link quality of a point-to-multipoint channel while said transmitting portion uses a point-to-point channel for transmitting multicast data to a mobile station and for ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data, in case said estimating link quality lies above a required link quality

wherein ordering by said processing component is via a switch order which switch order releases said point-to-point connection and provides parameter for said point-to-multipoint channel to said mobile station (Scheduling mechanism orders switch PTP to PTM and sends PTM data which has parameters per Fig 3 & 4)

In addition Terry teaches:

Regarding claim 20, said mobile station including a receiving portion for receiving multicast data form said mobile communication network (36 per Fig 3 or receiving portion)

Regarding claim 21, wherein said mobile station further includes:
A measuring portion (40 per Fig 3) configured for performing link quality related measurements on a point-to-point channel via which said mobile station receives multicast data form said subnetwork

A transmitting portion (34 per fig 3) configured for transmitting measurement results of said measuring portion to said sub-network

and wherein said sub-network further includes:

a receiving portion (32 per Fig 3) for receiving form said mobile station measurement results on a link quality of a point-to-point channel employed by said sub-network for transmitting multicast data to said mobile station, said processing portion configured for estimating said link quality of said point-to-point multipoint channel from measurement results received by said receiving portion from a mobile station

Regarding claim 25, wherein said apparatus is a sub-network in a mobile communication network or part of a subnetwork of a mobile communication network (part of a subnetwork per Figs 3 and 4)

Referring to claim 29, Terry, teaches: an apparatus (B18 per Figs 3 & 4) for a mobile communication network (Fig 3 & 4) said apparatus comprising:

Means for transmitting (32 per Fig 3 & per Pg 1 Para [0020] to Pg 2 Para [0028])) multicast data using at least one of a point-to-point channel and a point-to-multipoint

Means for estimating the link quality (30 per Fig 3 and per Pg 1 Para [0020] to Pg 2 Para [0028])) of a point-to-point channel while said transmitting portion uses a point-to-point channel for transmitting multicast data to said mobile station to-multipoint channel and for ordering (46 per Fig 4 orders and per Pg 1 Para [0020] to Pg 2 Para [0028])) said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said estimated link quality lies above a required link quality

wherein said mobile communication network order said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data by means for a switch order, which switch order releases aid point-to-point connection and provides parameters for said point-to-multipoint said mobile station (Scheduling mechanism orders switch PTP to PTM and sends PTM data which has parameters per Fig 3 & 4)

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganucheau (U.S. Patent No.: 6,529,740) in view of Homma (U.S. Patent No.: 5,572,678) further in view of Ramaswamy (U.S. Patent No.: 6,571,112)

Referring to claim 13, the combination of Ganucheau and Homma teach: the method of claim 1

The combination of Ganucheau and Homma do not expressly call for: software product running on a component of said mobile station.

Ramaswamy teaches: software product running on a component of said mobile station (col. 4 lines 7 to 29

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the software product of Ramaswamy to the method of the combination of Ganucheau and Homma because method requires a processor and software product in order to be implemented

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 13 & 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13 and 22 are directed to a software product. In order to traverse the 101 rejection. These claims would have to be written in independent form and be in the form of " A computer readable medium comprising instructions which are executable by a processor perform the following: " in order to overcome the 101 rejection.

Claim Objections

10. Claims 12, 13, 20, 21, 22, 23, & 25 are objected to because of the following informalities:

Claims 12, 13, 22, 23, & 25 are objected to because these claims are presented as a dependent claims but in reality these claims are independent claims. The examiner recommends that these claims be rewritten as an independent claim. Appropriate correction is required.

Allowable Subject Matter

11. Claims 16-18, 34, & 36 are allowed. The following is an Examiner's statement of reasons for allowance:
Claims 16-18, 34, & 35 are considered allowable since no prior art references or combination of prior art references in combination disclose or suggest the combination of limitations specified in the independent claims including:
"requesting and receiving from a mobile station measurements results for link quality related measurement on a point-to-point channel which point-to-point channel is currently used by said network for transmitting multicast data to said mobile station; in case said estimated link quality of said point-to-multipoint channel reaches a required link quality, ordering said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data" as specified in combination with other limitations in claim 16.

"estimating a link quality of a point-to-multipoint channel while transmitting multicast data on a point-to-point channel to a mobile station; receiving said multicast data by means of a switch order, which switch order releases said point-to-point connection and provides parameter for said point-to-multi-point channel to said mobile station "as specified in combination with other limitations in claim 17.

"performing link quality relative measurements on a point-to-point channel which point-to-point channel is currently used by a mobile communication network for transmitting multicast data to said mobile station; receiving an order form said mobile communication network to switch form said point-to-point channel to said point-to-multipoint channel for receiving said multicast data, in case said mobile communication network determined that said estimated link quality of said point-to-multipoint channel reaches a required link quality, and switching form said point-to-point channel to said point-to-multipoint channel for receiving said multicast data upon receipt of said order" as specified in combination with other limitations in claim 34

"transmitting measurements results to said mobile communication network upon request by said mobile communication network, wherein said measurement results are suited to enable said mobile communication network to estimate a link quality of said point-to-multipoint channel while transmitting multicast data on said point-to-point channel to said mobile station; and to switch from said point-to-point channel to said point-to-multipoint channel for receiving said

multicast data upon receipt of said order" as specified in combination with other limitations in claim 36.

12. Claims 3-4, 7-9, 18, & 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

13, Applicant's arguments with respect to claim 1-10, 12-13, 16-23, 25, 27, & 29-35 have been considered but are moot in view of the new ground(s) of rejection.

Additionally the examiner has provided the following response to applicant's argument.

Relative to claim 1, the examiner respectfully disagrees with the applicant's argument that the combination of Ganucheau and Homman do not teach: sending a request to a mobile communications network to switch transmit said multicast data via a point-to-point channel in case said determined link quality lies below a given link quality

Ganucheau teaches: determining a link quality of the point-to-multipoint channel based on link quality related measurement on said point-to-multipoint channel , while multicasting on point-to-multipoint channel (a subscriber (24 per Fig 1) determines if the signal quality on a point-to-multipoint channel is acceptable and whether switch would be advantageous per col. 12 lines 28 to 47)

Ganucheau does not expressly call for: sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a give link quality

Homma teaches: sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a given link quality (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a give link quality of Homma to the mobile station or subscriber of Terry in order to build a system which can recover when message is corrupted or lost.

The applicant goes not to point out that because Homma transmits a retransmission request in the case of drop so Homman cannot possibly teach: sending a request to said mobile communication network to transmit said multicast data via a point-to-point channel in case said determined link quality lies below a given link quality . The examiner points out that the applicant's claim did not preclude the additional transmitting a retransmission request so applicants' argument is not persuasive.

Relative to claim 10, the examiner respectfully disagrees with the applicant's argument that the combination of Terry and Homma do not teach: sending a request to a mobile communications network to switch transmit said multicast data via a point-to-point channel in case said determined link quality lies below a given link quality

Terry teaches: A measuring portion (40 per Fig 3. The FACH is used for point to multi-point per Pg 1 Para [0003] to {0004]) for performing link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network

A Processing portion (30 per Fig 3) for determining a link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Transmitting portion (34 per Fig 3) from said mobile

in case said processing portion detect that a determined link quality of a point-to-point channel, in case said processing portion detects that a determined link quality of a point-to-point multipoint channel employed for transmitting said multicast data lies below a given quality link channel employed for transmitting said multicast data lies below a given link quality (Pg 2 Para[0021] to [0030])

Terry does not expressly call for: request to a mobile communication network to switch and transmit multicast data via a point-to-point channel

Homma teaches: request to a mobile communication network to switch and transmit multicast data via point-to-point channel (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add request to a mobile communication network to switch and transmit multicast data via point-to-point of Homma to the system of Terry in order to build a system which can recover when message is corrupted or lost.

Relative to claim 27, the examiner respectfully disagrees with the applicant's argument that the combination of Terry and Homma do not teach: sending a request to a mobile communications

network to switch transmit said multicast data via a point-to-point channel in case said determined link quality lies below a given link quality

Terry teaches: an apparatus (Fig 3 & 4) comprising:

Means for performing (40 per Fig or means for performing measurements on the FACH. The FACH is used for point to multipoint per Pg 1 Para [0003] to {0004]) link quality related measurements on a point-to-multipoint channel via which said mobile station receives multicast data from a mobile communication network

Means for determining (30 per Fig 3 or means for determining) link quality of a point-to-multipoint channel based on a measurement result provided by said measuring portion and for comparing a determine link quality with a given link quality

Means for transmitting (34 per Fig 3) from said mobile

in case said processing portion detect that a determined link quality of a point-to-point channel, in case said processing portion detects that a determined link quality of a point-to-point multipoint channel employed for transmitting said multicast data lies below a given quality link channel employed for transmitting said multicast data lies below a given link quality (Pg 2 Para[0021] to [0030])

Terry does not expressly call for: request to a mobile communication network to switch and transmit multicast data via a point-to-point channel

Homma teaches: request to a mobile communication network to switch and transmit multicast data via point-to-point channel (request retransmission via point to point if error per col. 5 line 34 to col. 6 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add request to a mobile communication network to switch and transmit multicast data via point-to-point of Homma to the system of Terry in order to build a system which can recover when message is corrupted or lost.

Relative to claim 35, the examiner disagrees with the applicant's argument that the Terry and Homma do not expressly call for: request and receive from a mobile station measurement results for link quality related measurement on a network for transmitting multicast data to said mobile station and to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said estimated link quality of said point-to-multipoint channel reaches a required link quality

Referring to claim 35, Terry teaches: an apparatus for a mobile communication network comprising:

A communication component (32 per Fig 3) configured to receive from a mobile station measurement results for link quality related measurement on a network for transmitting multicast data to said mobile station

A processing component (30per Fig 3) configured to estimate a link quality of a point-to-multipoint channel while multicasting on a point-to point channel to said mobile station, wherein processing component is configured to estimate said link quality of said point-to-multipoint channel based on said measurement results for said point-to-point channel

A processing component (46 per Fig 4) configured to order said mobile station to switch from said point-to-point channel to said point-to-multipoint channel for receiving said multicast data in case said estimated link quality of said point-to-multipoint channel reaches a required link quality

to said mobile station, wherein said processing component is configured to estimate said link quality of said point-to-point

Terry does not expressly call for: requesting from the mobile measurement results on link quality

Terry (US 6,810,236) teaches: requesting from the mobile measurement results on link quality (col. 3 lines 1 to 21)

It would have been obvious to add the requesting from the mobile measurement results on link quality of Terry (U.S. 6,810, 236) to communication component configure to receive of Terry in order to determine the best usage of resources.

The examiner respectfully disagrees with applicant's argument that the 101 rejection has been traversed. A program product is not process or article of manufacture. The applicant has failed put these dependent claims into an independent form. In order to traverse the 101 rejection the claims would have to be rewritten in following form in order to fall into one of the statutory classes and in order to overcome the 101 rejection:

A computer readable medium comprising instructions which when executed by a processor perform the following.

The computer readable medium, instructions, and processor have to be enabled by the applicant's specification.
In this instance the applicant specification on Pg 1 line 13, Pg 6 lines 17 to 34 enable software program product which comprises code and when the code in run on a processing component. No where in the applicant's specification is a computer readable medium defined which stores the code.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW